ESTTA Tracking number:

ESTTA775806

Filing date:

10/11/2016

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91226265	
Party	Defendant Nerium Biotechnology, Inc.	
Correspondence Address	WILLIAM B NASH HAYNES AND BOONE LLP 2323 VICTORY AVE STE 700 DALLAS, TX 75219-7673 UNITED STATES ipdocketing@haynesboone.com;ipdocketing	
Submission	Other Motions/Papers	
Filer's Name	William B. Nash	
Filer's e-mail	ipdocketing@haynesboone.com, bill.nash@haynesboone.com, ven- isa.dark@haynesboone.com	
Signature	/William Nash/	
Date	10/11/2016	
Attachments	Consented Motion to Amend Application.pdf(140035 bytes )	

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In Re: Application No.: 86/731363 Filed: August 20, 2015 Mark: ORX & Design IC: 05	& & & & & & & & & & & & & & & & & & &	
ORYX VERWALTUNGS GMBH, a German limited liability company Opposer	& & & & &	Opposition No.: 91226265
v.  NERIUM BIOTECHNOLOGY, INC., a Canada corporation  Applicant	\$ \$ \$ \$	

## **CONSENTED MOTION TO AMEND APPLICATION**

Pursuant to 37 C.F.R. Section 2.133(a), Applicant Nerium Biotechnology, Inc., with the consent of Opposer Oryx Verwaltungs GmbH, hereby moves to amend the recitation of goods in Applicant's trademark application No. 86/731363 for ORX & Design in IC 05 to delete the word "cancer", as shown by the following redline:

Class 05: Pharmaceutical preparations used in the treatment of immune system diseases, eancer, HIV/AIDS, Hepatitis C, herpes and other viral diseases; medicated skin care preparations, namely, creams, lotions, ointments, gels, toners, cleansers, and peels; medicated topical skin care preparations, namely, creams, lotions, ointments, gels, toners, cleansers, and peels.

As the proposed amendment merely narrows the scope of the recitation of goods, it is respectfully permitted under 37 C.F.R. § 2.71(a).

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On October 7, 2016, Opposer provided written consent to the proposed amendment.

Dated: October 11, 2016.

Respectfully submitted,

HAYNES AND BOONE, LLP

/s/ William B. Nash /s/

William B. Nash, Reg. No. 33,743 Jason W. Whitney, Reg. No. 67,405 112 E. Pecan Street, Suite 1200 San Antonio, TX 78205 Telephone: (210) 978-7000 Facsimile: (210) 978-7450

ATTORNEYS FOR APPLICANT NERIUM BIOTECHNOLOGY, INC.

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing has been served on Opposer Oryx Verwaltungs GmbH by mailing said copy on October 11, 2016 by U.S. First Class Mail, and by e-mail on same date, to the following counsel of record for Opposer:

William J. Seiter Seiter Legal Studio 2500 Broadway, Bldg. F, Suite F-125 Santa Monica, CA 90404 williamjseiter@seiterlegalstudio.com

> /s/ William B. Nash /s/ William B. Nash

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